

## Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
ICA-11 COME-00 EB-08 LAB-04 SIL-01 /089 W  
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R 311115Z AUG 78  
FM AMEMBASSY TUNIS  
TO SECSTATE WASHDC 2345  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY ALGIERS  
AMEMBASSY PARIS  
AMEMBASSY RABAT  
AMEMBASSY TRIPOLI

C O N F I D E N T I A L SECTION 1 OF 2 TUNIS 6140

PARIS FOR LABATT

BRUSSELS FOR USEC/LABATT

E.L.11652: GDS  
TAGS: PINT ELAB TS  
SUBJ: CONVERSATION WITH SAYAH

REF: TUNIS 6111

1. FOLLOWING IS MORE COMPLETE RESUME OF POLITICAL OFFICER'S  
CONVERSATION WITH PSD DIRECTOR MOHAMED SAYAH AUGUST 30.  
AS SAYAH IS IMPORTANT FIGURE IN TUNISIAN POLITICS, IT IS  
REPORTED IN SOME DETAIL.

2. UGTT TRAILS. SYAH REGRETTE THE FACT THAT SO MUCH  
TIME HAD BEEN LOST AS RESULT OF DECISION (TAKEN BY NOUIRA)  
TO DEAL WITH OBVIOUSLY POLITICAL ISSUE IN CRIMINAL COURTS.  
GOVERNMENT'S ORIGINAL REASONING WAS THAT BY SO DOING THERE  
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WOULD BE NO QUESTION AS TO DUE PROCESS AND RIGHTS OF ACCUSED.  
WHAT MIGHT HAVE SEEMED RIGHT DECISION THEN WAS BOTCHED UP  
IN EXECUTION. ON BASIS OF PUBLIC PROSECUTOR'S  
INSTRUCTIONS (MOHAMED FARHAT, BROTHER OF DEFENSE MINISTER  
ABDULLAH FARHAT), GOVERNMENT CASE IN SOUSSE TRAIL WAS  
BUILT ON CHARGES THAT ACCUSED WERE COLLECTING ARMS FOR PURPOSE  
OF OVERTHROWING REGIME. EVIDENCE DID NOT SUPPORT THIS, HOWEVER,

AS MOST THAT COULD BE DEMONSTRATED WAS SEVERAL POSTILS, ETC. TANKS OVERTHROW A GOVERNMENT, HE COMMENTED, NOT STICKS AND STONES OR POSTILS. WORKING LEVELS IN PROSECUTOR'S OFFICE OBJECTED TO CRIMINAL CASE FROM START ON GROUNDS THAT 1968 SECURITY LAW OVERRODE 1913 PENAL CODE, BUT GOVERNMENT INISTED NEVERTHELESS. RESULT WAS FIASCO IN SOUSSE, FOLLOWED NOW BY SAME IN COURT OF CASSATION. EVEN AS LATE AS LAST FRIDAY, AUGUST 25, STAFF IN PUBLIC PROSECUTOR'S OFFICE INSISTED THEY COULD NOT COME UP WITH CONVINCING CASE TO TAKE TO COURT OF CASSATION. UNDER CIRCUMSTANCES, IT WAS OBVIOUS TO ALL BUT FOOLS THAT COURT'S HAD ACTED "INDEPENDENTLY". COULD ANYONE REALLY IMAGINE WE WOULD DO THIS ON PURPOSE, HE ASKED.

3. MATTER NOW MUST BE TAKEN TO STATE SECURITY COURT. SAYAH RECALLED THAT IN LAST YEAR'S MUP TRIALS COURT RULED AGAINST GOVERNMENT'S PRINCIPAL ACCUSATION OF PLOT AGAINST THE STATE AND HE DID NOT DISCOUNT THEY COULD DO SO AGAIN. ONE MAJOR MISTKAE IN SOUSSE TRAIL WAS THAT OS MANY PEOPLE WERE BROUGHT TO TRIAL, AND THAT OVER 40 HAD BEEN DENIED PROVISIONAL LIBERTY. DEFENDANTS IN SOUSSE TRAIL INCLUDED TELEPHONE OPERATOR, OFFICE BOYS, AND PEPLA WHO "JUST HAPPENED TO BE THERE." ONE CANT TAKE THESE PEOPLE TO STATE SECURITY COURT AND CHARGES AGAINST MOST OF THE SOUSSE DEFENDANTS, EXCEPTING TEN OR SO, WILL PROBABLY BE DROPPED. WORST ASPECT IS THAT GOVERNMENT'S CASE WILL NOW HAVE TO BE PREPARED

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EX-NOVO, AND INVESTIGATING MAGISTRATE'S REPORT WILL ALSO HAVE TO BE REWRITTEN. THIS WILL TAKE A "LONG TIME", OPENING WAY TO MORE CRITICISM. IN VIEW OF CASSATION'S DECISION, ONLY COURSE NOW IS FOR STATE SECURITY COURT TO TRY ALL OF MAJOR FIGURES IN SINGLE TRIAL.

4. THROUGHOUT CONVERSATION, SAYAH STRESSED THAT REGIME IS BEING SET UPON BY ITS EXTERNAL ENEMIES, TAKING ADVANTAGE OF TUNISIA'S INEXPERIENCE AND NAIVETE IN DEALING WITH SUCH SERIOUS DOMESTIC POLITICAL ISSUES, DESPITE OBVIOUS FACT AQADHOUR'S AIM WAS TO OVERTHROW REGIME. LIBYA IS FOREMOST IN THIS RESPECT, AND QADHAFI CONTINUES ATTEMPTS TO SEND ARMS AND MONEY TO ANYONE WHO WILL ACCEPT THEM. SEIZURES ARE FREQUENTLY MADE, ALTHOUGH THEY ARE KEPT QUIET. AS TO LIBYA'S MANY PROMISES OF DEVELOPMENTAL ASSISTANCE, RESULTS HAVE BEEN NIL. SAYAH THEN REFERRED TO "INTERNATIONAL PRESS CAMPAIGNS AGAINST TUNISIA." MAJOR CRITICISM WAS RESERVED FOR L'HUMANITE, WHICH IS IN PAY OF QADHAFI. UNFORTUNATELY, HE SAID, MANY LIBERAL EUROPEAN PAPERS FOLLOW L'HUMANITE'S LEAD. POLITICAL OFFICER NOTED THAT REPORTING IN MOST WESTERN PRESS SEEMED TO BE FAIRLY STRAIGHT. SAYAH GAVE A "WHAT CAN YOU DO" SHRUG.

5.INTERNAL POLITICS. SAYAH EXPRESSED OPTIMISM FOR  
TUNISIA'S POLITICAL FUTURE IN LONG RUN, DITING IMPROVEMENTS  
IN ECONOMY AND INDUSTRIAL PRODUCTIVITY, LABOR AND STUDENT  
TRANQUILITY, AND GOOD RECORD IN INFLATION CONTROL. MOST  
IMPORTANT ELEMENT, HOWEVER, WAS IMPROVEMENT IN PRESIDENT'S  
HEALTH AND HIS RETURN TO TUNISIA. HOPE IS NOW THAT BOUR-  
GUIBA CAN BEGIN TO TRAVEL IN TUNISIA AND TO SPEAK TO PEOPLE  
ON ISSUES WHICH ARE BOTHERING THEM. IT HAS BEEN A LONG  
TIME, HE ADDED, SINCE PRESIDENT WAS ABLE TO DO THIS BUT  
HE REMAINS A GREAT RALLYING FORCE. CERTAIN CONCERNS  
REMAIN, INCLUDING LIBYAN AND COMMUNIST-INSPIRED LEFTIST  
ACTIVITIES (CITING TWO CLANDESTINE ISSUES OF ECH-CHAAB  
FOUND IN SFAX RESENTLY AND INCREASED STRENGTH OF BAATHIST  
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(IRAQI) SUPPORTED CONSERVATIVE MOSLEM GROUPS. SAYAH NOTED  
THAT ALTHOUGH SOCIAL DEMOCRATS ARE SERIOUSLY DIVIDED,  
THEY PRESENT PROBLEMS NONETHELESS. MESTIRI AND OTHER  
EX-MINISTERS ARE PLAYING GAME (AGAINST EACH OTHER) FOR PERSONAL  
AMBITIONS BUT THEY ARE NOT REVOLUTIONARIES. THEIR  
POLICIES ARE THE SAME AS "OURS", HE SAID. THE DANGER IS THAT  
THE SOCIAL DEMOCRATS, AND ESPECIALLY THEIR NEWSPAPERS,  
ER-RAI AND DEMOCRATIE, HAVE ALLOWED INFILTRATION OF THE  
SAME LEFTIST-COMMUNIST INSPIRED ELEMENTS THAT PREVIOUSLY  
WROTE FOR ACHOUR'S ECH-CHAAB.

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
ICA-11 COME-00 EB-08 LAB-04 SIL-01 /089 W  
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R 311115Z AUG 78  
FM AMEMBASSY TUNIS  
TO SECSTATE WASHDC 2346  
AMEMBASSY ALGIERS  
AMEMBASSY BRUSSELS  
AMEMBASSY PARIS

AMEMBASSY RABAT  
AMEMBASSY TRIPOLI

C O N F I D E N T I A L SECTION 2 OF 2 TUNIS 6140

PARIS FOR LABATT

BRUSSELS FOR USEC/LABATT

6. LEGAL STATUS FOR MSD. SAYAH SAID THAT THE GOVERNMENT HAD STILL NOT DECIDED HOW TO RESPOND TO MSD REQUEST FOR MINISTRY OF INERIOR RECOGNITION. HE SUGGESTED BEST POLICY FOR GOVERNMENT IS TO IGNORE ISSUE ALTOGETHER. MSD ALRADY HAS ITS NEWSPAPERS, IS FREE TO SAY WHAT IT WANTS (WITHIN LIMITS) AND CAN EVEN PRESENT CANDIDATES IN 1979 LEGISLATIVE ELECTIONS. IF GOVERNMENT WERE TO GIVE FORMAL "VISA" MSD MIGHT EXCEED PERMISSIBLE LIMITS JG THEN FORCE GOVERNMENT TO WITHDRAW ITS AUTHORIZATION. THIS WOULD LOOK BAD EXTERNALLY AND COULD LEAD TO GREATER INTERNAL CONFLICT. A FURTHER PROBLEM IS THAT IF GOVERNMENT OKAYS MSD IT WOULD BE MORE DIFFICULT TO REFUSE INEVITABLE "VISA" REQUESTS FROM THE MUP, THE COMMUNISTS AND ANY NUMBER OF OTHER SPLINTER GROUPS.

7. AS PSD HAD NEVER HAD LEGAL "VISA", SAYAH ASKED WHY  
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PRECEDENT SHOULD BE SET FOR MSD. LAW IN QUESTION (SEE TUNIS A-019, MARCH 21, 1978) APPLIES NOT TO PARTIES BUT TO SMALLER PRIVATE AND PUBLIC ORGANIXATIONS; TUNISIA DOES NOT HAVE LAWS REGUALTING PARTIES PER SE. CONSEQUENTLY, BEST COURSE, IN SAYAHS PERSONAL VIEW, WOULD BE TO "DO NOTHING". IN SHORT, "LET THEM CONTINUE, BUT WITHOUT OUR BLESSINGS." POLITICAL OFFICER NOTED LAWS CONCERNING ILLEGAL ORGANIXATIONS--I.E., ORGANIZATIONS WHICH HAD NO OFFICLA STANDING, TO WHICH SAYAH REPLIED THAT SITUATION REQUIRED CERTAIN AMOUNTS OF "SELF-DESCIPLINE". (NOTE: INTERESTINGLY ENOUGH, MSD VIEWS SEEM TO BE EVOLVING IN SAME DIRECTION, ALTHOUGH FROM DIFFERENT STARTING POINTS. DISLIKE OF PROSPECT OF FORMATION OF OTHER OPPOSITION PARTIES SEEMS TO BE COVMON VIEW IN BOTH CAMPS.)

8 COMMENT. SAYAH PRESUMABLY IS AWARE THAT HIS COMMENTS ARE PUT ON RECORD, AND THIS IS PROBABLY THE PRINCIPAL REASON FOR POLITICAL OFFICER'S EASY ACCESS TO THE PARTY DIRECTOR. HIS STATEMENTS MUST BE VIEWED ACCORDINGLY. ONE OF THE COMMONLY UNDERSTOOD GROUND RULES, HOWEVER, IS THAT SAYAH'S PERSONAL FUTURE IS NOT DISCUSSED, AND CONSEQUENTLY THE ISSUE NEVER CAME UP. IT IS NOTEWORTHY, HOWVER, THAT SAYAH WAS UNUSALLY DIRECT IN HIS CRITICISM OF NOUIRA'S

HANDLING OF TRAILS. ONE REASON MAY BE THAT SAYAH HIMSELF  
HAS NOW BEEN IMPLICATED IN DEFENSE CHARGES. FROM OTHER  
SOLSSYON HOWEVER, WE GAIN IMPRESSION THAT NOUIRA IS DEPICTING  
SAYAH AS "THE PROBLEM". BOTH WILL PROBABLY HAVE SOME  
INTERESTING--AND DIRRERENT--TALES TO TELL PRESIDENT  
BOURGUIBA ONCE HE IS BACK ON THIS HOME TURF.  
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## Message Attributes

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**TAGS:** PINT, ELAB, TS  
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